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REMARKS

Claim Rejections - 35 USC §102

Claims 1-8 are rejected under 35 U.S.C. §102(e) as being anticipated by Hauser et al. (U.S. Patent No. 6,536,659, hereinafter "Hauser").

Regarding claim 1, Applicants respectfully traverse the rejections since the Applicants' claimed combination, as exemplified in claim 1, includes the limitations not disclosed in Hauser of:

- "(3) constructing a return product lacking assembly file...;
- (5) constructing a product stock file...;"
- (6) **repairing** the return product not functioning properly...;
- (7) constructing a material stock file...;
- (9) constructing a testing product lacking assembly file...." [deletions and bold for clarity]

It is respectfully submitted that Hauser does **not** disclose the steps of constructing the above-mentioned files (including return product lacking assembly file, product stock file, material stock file, and testing product lacking assembly file) as in the present invention.

In Hauser, returned merchandise that is reusable and can be sold to another customer can alternatively be transmitted to a fulfiller/merchant, as indicated in a block 42 (column 6, lines 7-10). Moreover, although Hauser discloses as many as six blocks (including salvage 34, repackaging/refurbish 36, donate 38, disposal 40, fulfiller/merchant 42; and MFR 44) to deal with products not functioning properly, none of these blocks discloses **repairing** products not functioning properly, like the method of the present invention. The salvage block 34 indicates that certain types of merchandise may include components that are sufficiently valuable to justify salvage (column 5, lines 46-49); i.e., saving from destruction:

"Certain types of merchandise, by their nature, may not be completely reusable, but may include components that are sufficiently valuable to justify salvage, as indicated in a block 34. For example, it may be too expensive to attempt to repair a defective returned electronic product, such as an electronic game. However, the display screen on such a product, if still operative, may comprise a substantial portion of the entire cost of the product when it was originally manufactured. Accordingly, valuable components of such a product can be salvaged for further use in new products being manufactured."

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No disclosure in Hauser relates to **repairing** a returned product that is not functioning properly.

In Hauser, as long as the returned products are identified to be not functioning properly, they would be salvaged, donated or even disposed of. There is no disclosure, teaching, or suggestion in Hauser that the returned products not functioning properly are to be repaired. There is no teaching or suggestion in Hauser that the returned products not functioning properly are repaired before determining whether to disassemble the returned products.

Regarding claims 2-8, these dependent claims respectively depend from independent claim 1 and are believed to be allowable since they contain all the limitations set forth in the independent claim from which they depend and claim additional unobvious combinations.

It is respectfully submitted that independent claim 1, and the claims 2-8 depending therefrom, are not anticipated by Hauser under 35 USC §102 because:

“Anticipation requires the presence in a single prior art reference disclosure of **each and every** element of the claimed invention, **arranged as in the claim.**” [bold for clarity] Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co. (730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed Dir. 1983)))

The other references cited by the Examiner showing the prior art have been considered and are not believed to disclose, teach, or suggest, either singularly or in combination, Applicants' invention as claimed.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance and reconsideration of the rejections is respectfully requested. Allowance of claims 1-8 at an early date is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this

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paper, including any extension of time fees, to Deposit Account No. 50-0374 and please credit any excess fees to such deposit account.

Respectfully submitted,



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